

ATTORNEY DOCKET NO. INVSC.4

AMENDMENT AND RESPONSE  
SERIAL NO. 10/086,584

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REMARKS:

This Application has been carefully reviewed in light of the Office Action mailed June 5, 2003. Claims 1-43 were originally pending in this Application, and Applicants previously cancelled Claims 5, 6, 7, 8, 13, 27, 29, 31, 33 and 39, without prejudice or disclaimer. Applicants have cancelled the remaining Claims 1, 2, 3, 4, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 32, 34, 35, 36, 37, 38, 40, 41, 42 and 43 herein, without prejudice and disclaimer. New Claims 44 - 57 have been added herein, and, hence, Claims 44 - 57 are now pending in this Application.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102 and § 103

The Examiner rejected all of the previously pending claims in this Application based on 35 U.S.C. §§ 102 and 103 based on one or more of the following references: US Patent No. 5,203,390 to Eckstein; US Patent No. 6,463,971 to Kinsey; US Patent No. 2,984,486 to Jones; US Patent No. 4,662,415 to Proutt; US Patent No. 3,406,419 to Young; US Patent No. 3,965,955 to Price; US Patent No. 4,378,832 to Thompson.

New Claims 44-57 are fully supported by the Application as filed and contain independent Claims 44 and 57. Independent Claims 44 and 57 all generally recite the following limitations:

- a coupling operable to attach the apparatus to a golf bag in such a manner that the opening of the outer cushioned layer is positioned generally downwardly to prevent downwardly falling rain from entering the

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opening of the outer cushioned layer and wetting the absorbent member

- the outer cushioned layer operable to be squeezed until it is deformed to contact the absorbent member with the grip on the shaft of the golf club while a portion of the shaft of the golf club is positioned within the opening of the outer cushioned layer
- wherein the outer cushioned layer is operable to return to its original shape after being squeezed and to allow the golf club to be removed from the internal volume of the outer cushioned layer.

None of the references cited by the Examiner, either individually or in combination, disclose, describe, teach or contemplate the claim limitations highlighted above provided in independent Claims 44 and 57. Because independent Claims 44 and 57 are patentably distinct from these references, dependent Claims 45 -56 are also patentably distinct from these references. As such, Applicants request that the Examiner withdraw these rejections.

Independent Claim 44 also contains the following limitation:

- the outer cushioned layer operable to be squeezed until it is deformed to contact the absorbent member with the grip on the shaft of the golf club while a

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portion of the shaft of the golf club is positioned within the opening of the outer cushioned layer without the opening being sealingly engaged around the portion of the shaft of the golf club positioned within the opening

Because none of the references contemplate, teach or describe, in any manner the "sealingly" limitation, and several teach away from such a limitation since these references do not contemplate or suggest, in any manner the use of the present invention. As such, the structural differences of independent Claim 44 and the cited references, as well as the differences between method defined by independent Claim 57 and the cited references, render Claim 44 and 57 patentably distinct from the cited references.

Applicants respectfully submit that this Application is in condition for allowance and respectfully requests that the Examiner allow Claims 44-57.

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CONCLUSION:

Applicants respectfully submit that the Application is in condition for allowance, and Applicants earnestly seek such allowance of Claims 44-57. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this Application, please contact Applicants at 214.979.3027. Applicants stand ready to conduct a telephone interview with the Examiner to review this Application if the Examiner believes that such an interview would assist in the advancement of this Application.

To the extent that any further fees are required during the pendency of this Application, including petition fees, the Commissioner is hereby authorized to charge payment of any additional fees, including, without limitation, any fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to the credit card identified in the enclosed *Credit Card Payment Form* and reference Attorney Docket No. INVSC.4. Please credit any overpayments to this same credit card.

This is intended to be a complete response to the Office Action mailed June 5, 2003.

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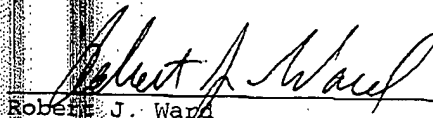
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Respectfully submitted,



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